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11 Attorneys for Defendants, RBE Construction, Inc., et al.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
16 TRUST FUND, et al.,

17 Plaintiffs,

18 v.

19 RBE CONSTRUCTION INC., a California
corporation, doing business as SLINGSHOT
20 DRYWALL,
Defendant.

Case No. 4:17-cv-03327-HSG

**JOINT REQUEST TO EXTEND
MEDIATION COMPLETION DEADLINE
TO MARCH 18, 2019; ORDER**

21 Plaintiffs and Defendant RBE Construction, Inc. dba Slingshot Drywall, by and through their
22 respective counsel of record, hereby respectfully request to extend the deadline to hold the mediation
23 session to March 18, 2019. Good cause exists for the continuance, as follows:

24 1. On October 26, 2017, the Court ordered the Parties to participate in mediation within the
25 presumptive deadline of ninety days, (Dkt. No. 24), as stipulated. The deadline for the Parties to
26 participate in mediation was January 24, 2018.

27 2. On November 13, 2017, the Court issued a Notice of Appointment of Mediator James H.
28

1 Fleming (Dkt. No. 25).

2 3. The Parties participated in a pre-mediation phone conference on November 29, 2017 with
3 Mr. Fleming, and scheduled a mediation session for January 22, 2018.

4 4. In late December 2017, Defendant provided documents necessary to complete the
5 pending audit to Plaintiffs' auditor, Lindquist, LLP ("Lindquist").

6 5. Lindquist initially advised Plaintiffs' counsel that a draft audit report would be completed
7 in early February.

8 6. On January 28, 2018, the Parties submitted a joint request to extend the mediation
9 completion deadline by 60 days. The Court granted that request and extended the mediation completion
10 deadline to March 23, 2018 (Dkt. No. 29).

11 7. Plaintiffs' auditor Lindquist was unable to complete the draft audit in the timeframe
12 initially estimated due to the number of documents reflecting work performed over a period of two
13 years. The draft audit was not completed until March 7, 2018. On March 12, 2018, the Court granted
14 a request to extend the mediation completion deadline to June 10, 2018 (Dkt. No. 31). Defendant
15 requested additional time to submit its dispute of the audit report. The Court has subsequently granted
16 further extensions (Dkt. No. 34, Dkt. No. 37, Dkt. No. 39, and Dkt. No. 44) through January 18, 2019.

17 8. On November 16, 2018, the appointment of James Fleming as mediator was vacated
18 (Dkt. No. 42). Julia Campins was appointed mediator in this matter on December 4, 2018 (Dkt. No. 46).

19 9. A Status Conference was held before the Court on February 5, 2019 regarding the fact
20 that mediation had not been completed by January 18, 2019. As required by the Court's Minute Order
21 dated February 5, 2019 [Dkt. 49.] the Parties have confirmed that mediation will be held on March 18,
22 2019. Counsel have confirmed with their respective clients and the mediator that this date is acceptable.

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1 10. Therefore, the Parties respectfully request that the mediation deadline be extended to
2 March 18, 2019, the date of the confirmed mediation session.

3 Respectfully submitted,

4
5 DATED: February 8, 2019

**SALTZMAN & JOHNSON LAW
CORPORATION**

6
7 By: _____/S/
8 Matthew P. Minser
9 Attorneys for Plaintiffs, , District Council 16
Nor. Cal. Health and Welfare Trust Fund, et al.

10 DATED: February 8, 2019

SQUIRE PATTON BOGGS (US) LLP

11 By: _____/S/
12 Wallace E. Smith
13 Attorneys for Defendant, RBE Construction, Inc.,
et al.

14
15 CERTIFICATION RE: SIGNATURES

16 I attest that concurrence in the filing has been obtained from the other Signatory.

17 DATED: February 8, 2019

18
19 By: _____/S/
Matthew P. Minser

20
21
22 IT IS SO ORDERED.

23 The Court hereby extends the mediation completion deadline in this matter to March 18, 2019.

24 DATED: February 11, 2019

25 
26 UNITED STATES DISTRICT COURT JUDGE